

TAB 7

**CITY OF PALMETTO
ORDINANCE NO. 08-980**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR BEACH TOWNHOMES AT RIVIERA DUNES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-06 Beach Townhomes Investors, LLC, PID# 2581600959, approx. 1.31± acres).

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and,

WHEREAS, the City Commission of the City of Palmetto approved a Development Order and Master Development Plan for the Riviera Dunes project, a development of regional impact, on December 20, 1999; and

WHEREAS, said Development Order and subsequent amendments thereto provide that various parcels included in the Master Development Plan shall be developed at different times in accordance with a schedule contained therein; and

WHEREAS, the City of Palmetto has received a complete and timely application for approval of a Conceptual/General Development Plan for a multi-family project to be located on parcel number 9 (“Project”), as shown on the Master Development Plan and more particularly described in **Exhibit A**; and

WHEREAS, the Planning and Zoning Board of the City of Palmetto reviewed the proposed Conceptual/General Development Plan, held a properly noticed public hearing on November 10, 2008, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and,

WHEREAS, the City Commission of the City of Palmetto held a properly noticed public hearing on December 15, 2008, and received public comment and testimony at said hearing; and,

WHEREAS, the City Commission of the City of Palmetto finds that approval of the proposed Conceptual/General Development Plan benefits the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Finding of Fact.

A. The above-referenced “WHEREAS” clauses are adopted herein as findings of fact.

B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended approval of the proposed Comprehensive/General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**.

C. The proposed Comprehensive/General Development Plan is consistent with the City of Palmetto's Comprehensive Plan.

D. The proposed Comprehensive/General Development Plan is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto's Zoning Code.

Section 2. Plan Approval. The proposed Conceptual/General Development Plan is hereby approved with the following stipulations:

1. The townhomes on the site shall not exceed 40 feet in height from the first floor base flood elevation to the top of roof.

2. Emergency access is granted to the North River Fire Department through the Bel-Mare parking garage at the north end of the project driveway.

3. A community trash collection area needs to be identified on the construction plans.

4. Development is subject to construction plan approval.

5. No Certificate of Occupancy shall be issued for any units in the project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47, through 17-97 of the City of Palmetto Code of Ordinances, pertaining to provision of Attainable Housing, have been satisfied.

Section 3. Repeal of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 15th day December 2008.

First Reading: December 1, 2008
Publication: December 5, 2008
Second Reading and
Public Hearing: December 15, 2008

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
 City Clerk

By: _____
City Clerk/Deputy Clerk.

CSP 08-06

EXHIBIT "B" ORDINANCE 08-980

BEACH TOWNHOMES AT RIVIERA DUNES

BY

BEACH TOWNHOMES INVESTORS, LLC

LEGAL DESCRIPTION

A PARCEL OF LAND LYING AND BEING IN SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT A SOUTHWEST CORNER OF TRACT "H" THE NORTHSORE AT RIVIERA DUNES PHASE I-A, PLAT BOOK 89, PAGE 19, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°51'15"W, A DISTANCE OF 30.00 FEET; THENCE SOUTH, A DISTANCE OF 105.70 FEET; THENCE S.26°32'54"E, A DISTANCE OF 41.06 FEET; THENCE SOUTH, A DISTANCE OF 225.30 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHWEST, OF WHICH THE RADIUS POINT LIES S.87°54'56"W, A RADIAL DISTANCE OF 136.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°01'32", A DISTANCE OF 213.69 FEET; SAID CURVE BEING SUSTENDED BY A CHORD THAT BEARS S.45°00'42"W, A DISTANCE OF 142.58 FEET; THENCE N.87°50'32"W, A DISTANCE OF 306.43 FEET FOR A POINT OF BEGINNING; THENCE N.88°21'34"W, A DISTANCE OF 231.96 FEET; THENCE NORTH, A DISTANCE OF 152.22 FEET; THENCE S.84°46'56"W, A DISTANCE OF 156.85 FEET; THENCE S.00°15'04"E, A DISTANCE OF 156.41 FEET; THENCE WEST, A DISTANCE OF 9.19 FEET; THENCE SOUTH, A DISTANCE OF 85.58 FEET; THENCE N.89°47'04"E, A DISTANCE OF 95.25 FEET; THENCE S.00°12'51"E, A DISTANCE OF 41.19 FEET; THENCE S.87°50'32"E, A DISTANCE OF 44.54 FEET; THENCE N.00°12'44"W, A DISTANCE OF 16.99 FEET; THENCE S.87°50'32"E, A DISTANCE OF 265.07 FEET; THENCE N.00°01'23"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 57,174 SQUARE FEET OR 1.31 ACRES, MORE OR LESS

NOTES:

- BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N00°11'34"W BEING THE EASTERLY RIGHT OF WAY OF U.S. 47/U.S. 901.
- THE RELATIVE ERROR OF CLOSURE OF THIS SURVEY IS WITHIN THE ACCURACY ALLOWED FOR THIS TYPE OF SURVEY.
- THE SURVEY DEPICTED HEREON IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY WETLAND OR JURISDICTIONAL AREAS.
- RE-USE OF THIS SURVEY FOR THE PURPOSES OTHER THAN WHICH IT WAS INTENDED WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
- THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "AE" (BFE=9'), AS PER F.I.R.M. PANEL NO 120183 0189 B, DATED 06-30-92(SUBJECT TO VERIFICATION) (INFORMATION SCALED FROM FEMA MAP.)
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, NO INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE PROVIDED TO, OR PURSUED BY THE UNDERSIGNED. ENCUMBRANCES OTHER THAN SHOWN HEREON MAY EXIST.
- THIS SURVEY IS SUBJECT TO PERTINENT EASEMENTS, RIGHT-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
- UTILITIES SHOWN HEREON ARE PER ABOVE GROUND EVIDENCE ONLY. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES OR FOUNDATIONS. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
- ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK 266 (RESET 1955) WITH AN ELEVATION OF 9.724 (REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929).
- A MEAN HIGH WATER SURVEY WAS NOT PERFORMED FOR THE PURPOSE OF THIS SURVEY.
- OWNERSHIP OF FENCES, IF ANY, WERE NOT DETERMINED AS APART OF THIS SURVEY.
- BUILDING TIES TO THE PROPERTY LINE SHOWN HEREON HAVE BEEN FIELD VERIFIED. BUILDING SETBACK INFORMATION REQUIRED BY SUBJECT COUNTY LAND DEVELOPMENT CODE WAS PROVIDED BY CLIENT AND HAS NOT BEEN CONFIRMED OR VERIFIED BY THIS OFFICE.



AERIAL VICINITY MAP
SCALE: N.T.S.

GENERAL DEVELOPMENT PLAN FOR A PROJECT LOCATED IN: S: 24 T: 34S R: 17E

GENERAL NOTES:

- ALL CONSTRUCTION (INCLUDING LANDSCAPING AND IRRIGATION) SHALL BE IN ACCORDANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
- REFUSE COLLECTION FOR THE PATIO HOMES SHALL BE BY STANDARD RESIDENTIAL COLLECTION METHODS.
- THE PROPOSED PROJECT SHALL MEET THE FIRE PROTECTION REQUIREMENTS OF THE NORTH RIVER FIRE DISTRICT.
- APPROPRIATE FIRE FLOW SHALL BE PROVIDED TO MEET CONCURRENCY REQUIREMENTS.
- THE RESIDENTIAL GATED ENTRANCE/EXIT ARRANGEMENTS SHALL BE IN COMPLIANCE WITH THE FIRE PREVENTION CODE (ACCESSIBILITY TO THE DEVELOPMENT FOR EMERGENCY SERVICES PROVIDERS.) PLANS INDICATING SPECIFIC DETAILS OF THE ENTRANCE/EXIT ARRANGEMENTS SHALL BE SUBMITTED TO THE NRFD FOR REVIEW AND APPROVAL.
- FIRE HYDRANTS AND BACKFLOW PREVENTION DEVICES FOR THE FIRE PROTECTION SYSTEMS SHALL BE SHOWN ON THE FINAL SITE PLAN.
- THE DEVELOPER SHALL RELOCATE ALL UTILITIES LOCATED IN ANY RELOCATED RIGHT-OF-WAY UNLESS PROPERLY PLACED IN AN APPROVED UTILITY EASEMENT. ALL EASEMENTS AND RELOCATIONS SHALL BE APPROVED BY THE AFFECTED UTILITY FACILITY OWNER.
- THE PROPOSED PROJECT SHALL CONNECT TO ALL UTILITIES IN THE RIGHT-OF-WAY ADJACENT TO THE PROJECT OR IN AN APPROVED EASEMENT ON THE PROJECT. THESE UTILITIES ARE WATER, SEWER, GAS, TELEPHONE, AND CABLE TV. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- ALL SITE LIGHTING SHALL BE IN CONFORMANCE WITH THE CITY OF PALMETTO.
- SEE LANDSCAPE ARCHITECT'S PLANS FOR SCHEMATIC LANDSCAPE LAYOUT.
- CONSTRUCTION TO BEGIN APRIL 2009, INFRASTRUCTURE TO BE COMPLETED BY JULY 2009. EACH BUILDING TO BE COMPLETED IN SEPARATE PHASES.
PHASE 1A - BUILDING 1 AND INFRASTRUCTURE
PHASE 1B - BUILDING 2
PHASE 1C - BUILDING 3
- THERE ARE NO EXISTING TREES ON SITE.
- ANY MODIFICATION TO THE EXISTING TOP OF BANK OF THE STORMWATER FACILITY IS SUBJECT TO SWP/MPD APPROVAL.
- ALL UTILITIES WILL BE PRIVATELY MAINTAINED.
- ALL LIGHTING WILL BE IN ACCORDANCE WITH SEPTD STANDARDS PER THE CITY OF PALMETTO REGULATIONS. FINAL DETAILS WILL BE PROVIDED WITH THE CONSTRUCTION PLANS.

EXISTING SITE INFORMATION

TOTAL PROJECT AREA: 1.31 AC.
 ZONING JURISDICTION: CITY OF PALMETTO
 EXISTING LAND USE: VACANT
 EXISTING ZONING: PDMU
 ZONING: PD
 FLU: PDMU
 ADJACENT ZONING: NORTH: PDMU
 SOUTH: PDMU
 EAST: PDMU
 WEST: PDMU
 ADJACENT LAND USE: NORTH: FUTURE BEL MARE TOWER
 SOUTH: RIVIERA DUNES COMMERCIAL
 FUTURE BANQUET CENTER
 EAST: EXISTING SWP, RESIDENTIAL
 WEST: BEL MARE TOWERS 1 & 2
 FLOOD ZONE: A-6 (1/20189 0004 C DATED 1/16/83)
 LOCATION: SEC. 24, TWP. 34S, RANGE 17E
 186 RIVIERA DUNES WAY

DEVELOPMENT TEAM

DEVELOPER
 BEACH TOWNHOMES
 INVESTORS, LLC
 130 RIVIERA DUNES WAY #303
 BRADENTON, FL 34221

PLANNER/AGENT
 P 33, LLC
 1226 3rd Street Circle East
 Palmetto, FL 34221
 Phone: (941) 704-4333
 Fax: (941) 722-2579

SURVEYOR:
 Global Surveying of
 Bradenton, LLC
 P.O. Box 20755
 Bradenton, FL 34204
 Phone: (941) 746-1512
 Fax: (941) 747-2450

CIVIL ENGINEER:
 Cavoli Engineering, Inc.
 7357 International Place, Ste. 101
 Sarasota, FL 34240
 Phone: (941) 907-7007
 Fax: (941) 907-7008

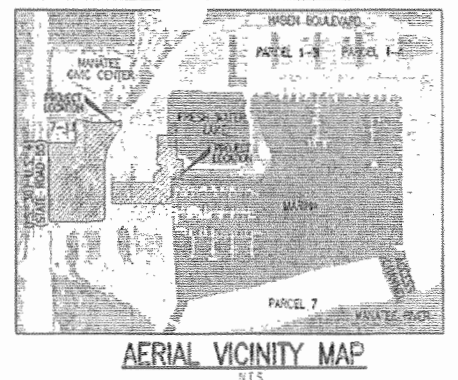
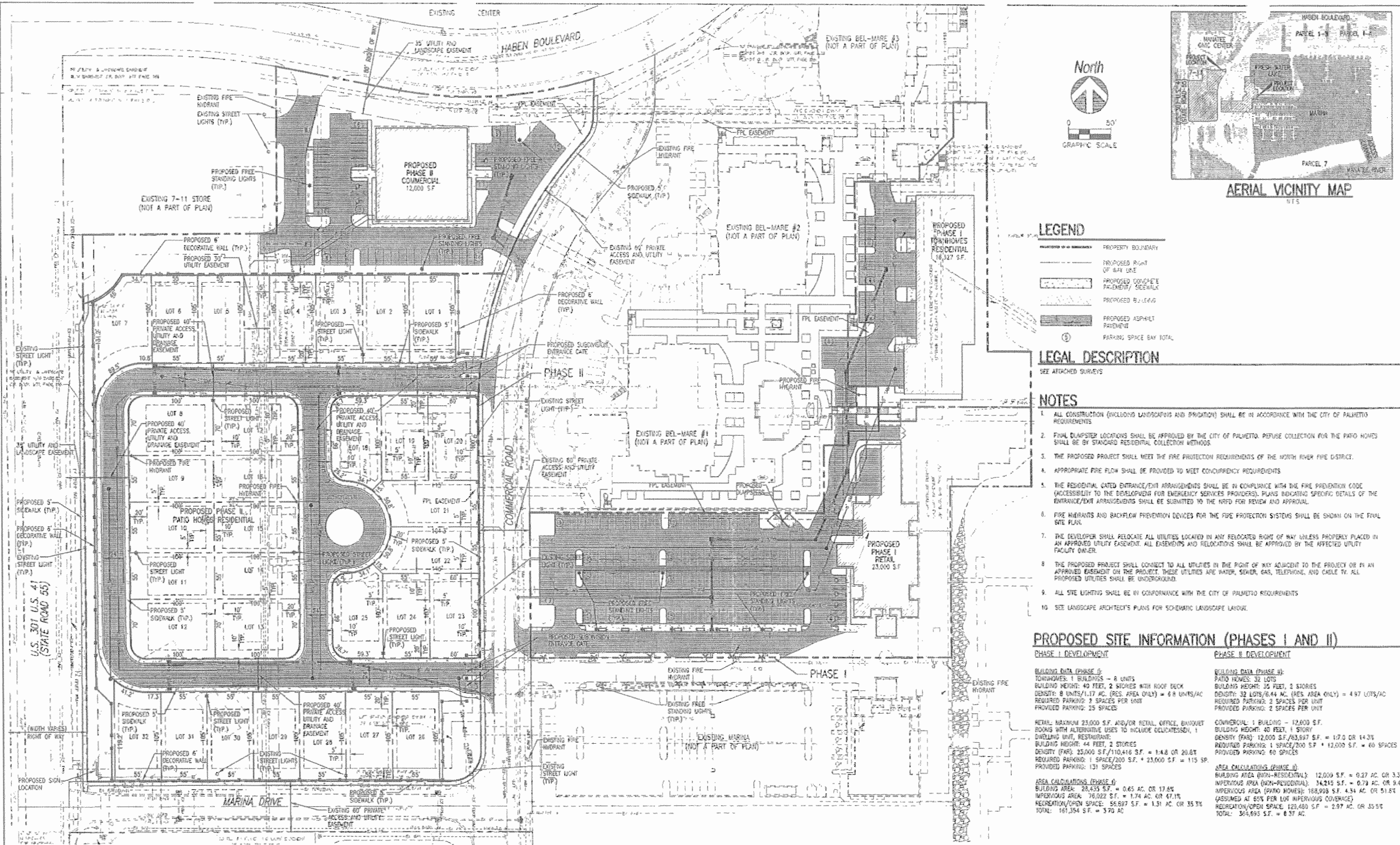
ARCHITECT
 Brad Design & Engineering
 708 Uthia Pinecrest Rd., Ste. 101
 Brandon, FL 33511
 Phone: (813) 689-7002
 Fax: (813) 684-1691

CITY OF PALMETTO SIGNATURE BLOCK

ORC MEMBER	OK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
ORC COORDINATOR			

John J. Ford
1/26/09

OLD GAP



- LEGEND**
- PROPERTY BOUNDARY
 - PROPOSED RIGHT OF WAY USE
 - PROPOSED CONCRETE PAVEMENT/ SIDEWALK
 - PROPOSED BUILDING
 - PROPOSED ASPHALT PAVEMENT
 - PARKING SPACE BY TOTAL
- LEGAL DESCRIPTION**
- SEE ATTACHED SURVEYS

- NOTES**
- ALL CONSTRUCTION (INCLUDING LANDSCAPING AND IRRIGATION) SHALL BE IN ACCORDANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
 - FINAL DUMPSTER LOCATIONS SHALL BE APPROVED BY THE CITY OF PALMETTO. REFUSE COLLECTION FOR THE PATIO HOMES SHALL BE BY STANDARD RESIDENTIAL COLLECTION METHODS.
 - THE PROPOSED PROJECT SHALL MEET THE FIRE PROTECTION REQUIREMENTS OF THE NORTH RIVER FIRE DISTRICT.
 - APPROPRIATE FIRE FLOW SHALL BE PROVIDED TO MEET CONCURRENCY REQUIREMENTS.
 - THE RESIDENTIAL GATED ENTRANCE/EXIT ARRANGEMENTS SHALL BE IN COMPLIANCE WITH THE FIRE PREVENTION CODE (ACCESSIBILITY TO THE DEVELOPER FOR EMERGENCY SERVICES PROVIDERS). PLANS INDICATING SPECIFIC DETAILS OF THE ENTRANCE/EXIT ARRANGEMENTS SHALL BE SUBMITTED TO THE WFPD FOR REVIEW AND APPROVAL.
 - FIRE HYDRANTS AND BACKFLOW PREVENTION DEVICES FOR THE FIRE PROTECTION SYSTEMS SHALL BE SHOWN ON THE FINAL SITE PLAN.
 - THE DEVELOPER SHALL RELOCATE ALL UTILITIES LOCATED IN ANY RELOCATED RIGHT OF WAY UNLESS PROPERLY PLACED IN AN APPROVED EASEMENT ON THE PROJECT. THESE UTILITIES ARE WATER, SEWER, GAS, TELEPHONE, AND CABLE TV. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
 - ALL SITE LIGHTING SHALL BE IN COMPLIANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
 - SEE LANDSCAPE ARCHITECT'S PLANS FOR SCHEMATIC LANDSCAPE LAYOUT.

PROPOSED SITE INFORMATION (PHASES I AND II)

PHASE I DEVELOPMENT	PHASE II DEVELOPMENT
<p>BUILDING DATA (PHASE I): TOWNHOMES: 1 BUILDING - 8 UNITS BUILDING HEIGHT: 40 FEET, 2 STORIES WITH ROOF DECK DENSITY: 8 UNITS/1.17 AC. (RES. AREA ONLY) = 6.8 UNITS/AC REQUIRED PARKING: 2 SPACES PER UNIT PROVIDED PARKING: 25 SPACES</p> <p>RETAIL: MAXIMUM 23,000 S.F. AND/OR RETAIL, OFFICE, BANQUET ROOMS WITH ALTERNATIVE USES TO INCLUDE DELICATESSEN, 1 DWELING UNIT, RESTAURANT. BUILDING HEIGHT: 44 FEET, 2 STORIES DENSITY (FAR): 23,000 S.F./110,416 S.F. = 1.48 OR 20.6% REQUIRED PARKING: 1 SPACE/200 S.F. = 23,000 S.F. = 115 SP. PROVIDED PARKING: 131 SPACES</p> <p>AREA CALCULATIONS (PHASE I): BUILDING AREA: 28,435 S.F. = 0.65 AC. OR 17.6% IMPERVIOUS AREA: 76,022 S.F. = 1.74 AC. OR 47.1% RECREATION/OPEN SPACE: 55,697 S.F. = 1.31 AC. OR 35.3% TOTAL: 161,154 S.F. = 3.70 AC</p>	<p>BUILDING DATA (PHASE II): PATIO HOMES: 32 LOTS BUILDING HEIGHT: 35 FEET, 2 STORIES DENSITY: 32 LOTS/8.44 AC. (RES. AREA ONLY) = 4.87 LOTS/AC REQUIRED PARKING: 2 SPACES PER UNIT PROVIDED PARKING: 2 SPACES PER UNIT</p> <p>COMMERCIAL: 1 BUILDING - 12,000 S.F. BUILDING HEIGHT: 40 FEET, 1 STORY DENSITY (FAR): 12,000 S.F./83,697 S.F. = 17.0 OR 14.3% REQUIRED PARKING: 1 SPACE/200 S.F. = 12,000 S.F. = 60 SPACES PROVIDED PARKING: 60 SPACES</p> <p>AREA CALCULATIONS (PHASE II): BUILDING AREA (NON-RESIDENTIAL): 12,000 S.F. = 0.27 AC. OR 3.3% IMPERVIOUS AREA (NON-RESIDENTIAL): 34,215 S.F. = 0.79 AC. OR 9.4% IMPERVIOUS AREA (PATIO HOMES): 188,908 S.F. 4.34 AC. OR 51.6% (ASSUMED AT 60% PER LOT IMPERVIOUS COVERAGE) RECREATION/OPEN SPACE: 129,480 S.F. = 2.97 AC. OR 35.5% TOTAL: 364,603 S.F. = 8.37 AC</p>

INFRASTRUCTURE IMPACTS

POTABLE WATER			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND
100	2.2	41	9,471 GPD
WASTEWATER			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND
100	2.2	41	9,620 GPD
SOLID WASTE			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND
7.1 LBS./DAY	2.2	41	132 LBS./DAY
RECREATION			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND
4 AC/1000 PEOPLE	2.2	41	0.36 AC

DEVELOPMENT SCHEDULE

PHASE	START CONSTRUCTION	CONSTRUCTION DURATION
1 - RETAIL	MAY 2007	12 MONTHS
1 - TOWNHOMES	MARCH 2007	18 MONTHS
2 - COMMERCIAL	MAY 2007	9 MONTHS
3 - PATIO HOMES	MARCH 2007	33 MONTHS

DEVELOPMENT INFORMATION

DEVELOPER:
 RIVIERA DUNES DEVELOPMENT PARTNERS, LLC
 1401 MARATEE AVENUE WEST, SUITE 550
 BRADENTON, FLORIDA 34205
 PHONE: (941) 708-9230
 FAX: (941) 708-8990

CIVIL ENGINEER:
 JENSEN AND GROUP, LLC
 434 12th STREET WEST, SUITE 201
 BRADENTON, FLORIDA 34205
 PHONE: (941) 747-7400
 FAX: (941) 747-3999

ARCHITECT:
 RESON TEAM WEST, A/C
 1231 9th AVENUE WEST
 BRADENTON, FLORIDA 34205
 PHONE: (941) 743-1700
 FAX: (941) 743-0811

SURVEYOR:
 GLOBAL SURVEYING OF BRADENTON, LLC
 P.O. BOX 20750
 BRADENTON, FLORIDA 34204
 PHONE: (941) 748-1512
 FAX: (941) 747-2450

EXISTING SITE INFORMATION

PHASE I AREA: 3.70 ACRES
 PHASE II AREA: 8.37 ACRES
 TOTAL AREA: 12.07 ACRES

ADJACENT LAND USE:
 CITY OF PALMETTO
 VACANT
 FERRIS
 RESIDENTIAL, COMMERCIAL/RETAIL
 NORTH: A-1
 SOUTH: MANATEE RIVER
 EAST: RIVIERA FAMILY
 WEST: PUBLIC RECREATION
 A-8 (#1201255 0004 & DATED 11/16/05)
 SEC. 13 & 24, TWP. 34 S., RGE. 17 E.

ADJACENT LAND USE:
 FLOOD ZONE
 LOCATOR

CITY OF PALMETTO SIGNATURE BLOCK

NAME	OR	SIGNATURE	DATE
CLERK			
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			

JAG Jensen and Group, LLC
 Engineering Consultants
 434 12th Street West, Suite 201
 Bradenton, Florida 34205
 Phone: (941) 747-7400
 Fax: (941) 747-3999
 www.jag-llc.com

PROJECT NO: 001-017
 DESIGNED BY: ENR
 DRAWN BY: MWA
 CHECK BY: MWA
 PROJ. MGR: MWA
 DATE: 07/2009

RIVIERA DUNES - HARBOR SIDE PHASE
 GENERAL DEVELOPMENT PLAN / PRELIMINARY PLAN

FOR WILL BE
 C-01

Exhibit "A" Legal Description

A parcel of land lying and being in Section 24, Township 34 South, Range 17 East, Manatee County, Florida.

Commence at a southwest corner of tract "H" the northshore at Riviera Dunes Phase 1-A, Plat Book 35, page 19, Public Records of Manatee County, Florida; Thence N. $89^{\circ}59'16''$ W., a distance of 30.00 feet; Thence south, a distance of 105.78 feet; Thence S. $26^{\circ}33'54''$ E., a distance of 41.05 feet; Thence south a distance of 235.30 feet to a point of curvature of a non-tangential curve, concave northwest, of which the radius point lies S $89^{\circ}59'56''$ W., a radial distance of 136.00 feet, thence southwesterly along the arc of said curve through a central angle of $90^{\circ}01'32''$, a distance of 213.69 feet, said curve being subtended by a chord that bears S $45^{\circ}00'42''$ W., a distance of 192.38 feet; Thence N $89^{\circ}58'32''$ W., a distance of 306.43 feet for a point of beginning; Thence N $58^{\circ}21'39''$ W., a distance of 231.96 feet; Thence north, a distance of 132.22 feet; Thence S $89^{\circ}46'56''$., A distance of 156.85 feet; Thence S $00^{\circ}13'04''$ E., a distance of 156.41 feet; Thence west, a distance of 9.19 feet; Thence south, a distance of 85.68 feet, thence N $89^{\circ}47'04''$ E., a distance of 35.23 feet; Thence S $00^{\circ}12'51''$ E., a distance of 41.19 feet; Thence S $89^{\circ}58'09''$ E., a distance of 44.54 feet; Thence N $00^{\circ}12'41''$ W., a distance of 16.99 feet; Thence S $89^{\circ}58'32''$ E., a distance of 283.07 feet; Thence N $00^{\circ}01'28''$ E., a distance of 13.00 feet to the point of beginning.

Containing 57,174 square feet of 1.31 acres, more or less.

Staff Report
Beach Townhomes at Riviera Dunes
Conceptual/General Development Plan
Riviera Dunes DRI Parcel 9
GDP-08-06

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Beach Townhomes Investors, LLC
Location: 136 Riviera Dunes Way, Palmetto FL 34221
Parcel Size: 1.31 acres
PID #: 2581600950

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: Planned Development (PD)
Zoning: Planned Development Multi Use (PDMU)

SURROUNDING PROPERTY LAND USE/ZONING DISTRICTS:

Future Land Use

North: Planned Development (PD)
South: Planned Development (PD)
East: Planned Development (PD)
West: Planned Development (PD)

Zoning

North: Planned Development Multi Use (PDMU)
South: Planned Development Multi Use (PDMU)
East: Planned Development Multi Use (PDMU)
West: Planned Development Multi Use (PDMU)

SUMMARY:

This project is located within the Riviera Dunes Development of Regional Impact (DRI), directly to the east of the parking garage for Bel Mare Building II. A Conceptual/General Development Plan (GDP) was previously approved for this area on January 22, 2007 (Ord. 06-912) and was valid for one year. The subject parcel was part of an overall 3.70 acre site which had been allocated for a 23,000 square foot banquet center and retail/office building, along with an eight unit townhouse building. The subject 1.31 acre area is the same area previously approved for the eight unit townhouse building. Construction plans have since been approved for a

12,252 square foot banquet center building on the remaining portion of the overall 3.70 acre site. Construction has yet to commence on the banquet center building. Those construction plans were submitted and approved prior to the expiration of the previously approved GDP. The previously approved GDP has now expired serving the need for re-approval of the residential building. This plan effectively incorporates a redesign of the previously approved residential units.

The previous plan proposed one building with eight attached units. Those units were proposed as two story units at a height of 40 feet with decks on the rooftops. The new design leaves the height the same, but removes the rooftop decks. In addition, the new plan will provide less of a wall effect since the units are broken into three separate buildings. The previously approved GDP and the proposed GDP are attached to this staff report. The proposed plan is consistent with the overall DRI.

ATTAINABLE HOUSING:

The applicant will be required to comply with the Attainable Housing Ordinance. Attainable Housing will be provided off-site in accordance with the provisions of said ordinance.

COMPREHENSIVE PLAN ANALYSIS:

Potable water, sanitary sewer, and parks and recreation levels of service have been satisfied with the overall DRI. The reduction in commercial uses has improved the level of service to traffic concurrency. Below is a synopsis of the impacts to roads, drainage, and reclaimed water infrastructure related elements of the Comprehensive plan:

2.0 TRANSPORTATION ELEMENT

Level of Service

Policy 2.1.1: The level of service standard for collector and arterial roadways in the City shall be LOS "D", peak hour.

There are no additional transportation impacts with this plan. The traffic was projection from these eight units is incorporated in the DRI traffic study. The DRI master plan indicates 23,000 square feet of specialty retail and 8 townhomes for this parcel. A new traffic analysis for the entire DRI is required to be submitted with the upcoming annual report at the end of 2008.

4.0 SANITARY SEWER

Reclaimed Water Use

Policy 4.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

Riviera Dunes currently utilizes city reclaimed water for irrigation.

Policy 4.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

Riviera Dunes currently utilizes city reclaimed water for irrigation.

6.0 STORM WATER MANAGEMENT

Surface Water

Objective 6.3: To ensure that the quality of surface water within the City is maintained and, where unacceptable, improved.

- Appropriate on-site retention or detention in accordance with adopted local and state regulations including filtration, infiltration, establishment of littoral zones in wetland areas and the use of grassy areas for filtration;
- Protection of wetlands and environmentally sensitive areas; and
- Management and protection of the quantity, timing and quality of water releases and discharges.

The Riviera Dunes development was designed with a master stormwater management system to serve the stormwater runoff from the proposed and future development within the overall development boundaries. The master stormwater system (SWFWMD Permit No. 44017473.000) infrastructure is routed to existing stormwater ponds located south of Marina Drive. The existing drainage eventually discharges eastward into the marina basin and ultimately to the Manatee River.

The proposed townhomes of Riviera Dunes as presented in the General Development Plan are designed to direct stormwater from the proposed parcels via stormwater piping to the existing stormwater collection system network within the Commercial Road right-of-way. The proposed drainage is then routed to, and accommodated for within, the existing ponds within the existing piping.

7.0 POTABLE WATER

Maximize Existing Facilities

Objective 7.2: The City shall require that existing and new development maximizes the use of existing potable water facilities.

Riviera Dunes is served with city water.

Policy 7.2.1: The City shall require the use of low-volume plumbing fixtures for all

new construction in accordance with the requirements of the most recently adopted Standard Plumbing Code.

This provision is acknowledged by the applicant. Riviera Dunes is served with city water.

Policy 7.2.2: The City shall continue to encourage the use of xeriscape in all landscaping projects.

Landscaping will incorporate xeriscaping.

Policy 7.2.3: Where lines are available, the City shall require new development and redevelopment to connect to the reclaimed water system.

Riviera Dunes currently utilizes city reclaimed water for irrigation.

Policy 7.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

Riviera Dunes currently utilizes city reclaimed water for irrigation.

Policy 7.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

The applicant will be required to connect to the reclaimed water system for any new development.

STAFF RECOMMENDATION:

The proposed project is consistent with previous requests within the Riviera Dunes DRI. It is also consistent with the City of Palmetto Comprehensive Plan and the PDMU provisions of the Land Development Code. Elevations need to be provided with building permit applications. Private review and approval from the Riviera Dunes Master Association will be required. The separation between buildings will provide some additional view corridors that were not part of the previous plan. As such, staff recommends **APPROVAL** of the plan as designed with the following stipulations:

1. The townhomes on the site shall not exceed 40 feet in height from the first floor elevation to the top of roof.
2. Emergency access is granted to the North River Fire Department through the Bel-Mare parking garage at the north end of the project driveway.

3. A community trash collection area needs to be identified on the construction plans.
4. Development is subject to construction plan approval.
5. No Certificate of Occupancy shall be issued for any units in the project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47, through 17-97 of the City of Palmetto Code of Ordinances, pertaining to provision of Attainable Housing, have been satisfied.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended DENIAL of the proposed conceptual/general development plan by a vote of 4 to 2.

CITY COMMISSION ACTION:

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed conceptual/general development plan.

Attachments: Ordinance
New General Development Plan (GDP)
Old General Development Plan (GDP)
Aerial
Correspondences

Planning and Zoning Board
Date: November 7, 2008
Re: Beach Townhomes
Riviera Dunes
Palmetto Florida 34221

This letter is in reference to the proposed building of the Beach Townhomes condominiums adjacent to Bel Mare at Riviera Dunes condominiums in Palmetto, FL. It has been brought to our (residents and owners) attention that the plans for this project call for the height of these units to be at a roof elevation of forty feet. This is just one of several concerns that we, the owners and residents have regarding this project. We feel that all owners including those that are not residing here would also be greatly concerned regarding this project due the impacted negative aesthetic presence (i.e. forty foot roof obstructing the common grounds) as well as the negative equitable impact to the owners on floors two, three, and possibly up to floor number four. We also have a potential security issue with another condominium such as Beach Townhomes connected to and potentially sharing the garage of our facility (for supposed utilities services such as a refuse disposal easement). We strongly feel confident that the non-residing, permanent owners in Bldg two (140 Riviera Dunes Way) would be greatly opposed to this project if they become aware of it.


There are questions regarding the style/type of roof that these units will have. Are they aesthetically cohesive with the design, quality, and taste as to not interfere with the quality of life one expected/expects as an owner at Bel Mare looking down at every day? Will the roofing materials be quality, barrel tile or a flat gravel roof with obtrusive air conditioner units on the roof (versus hidden on the ground)?

Another concern is the environmental impact on the already sensitive ecosystem including waterfowl, fish (snook, tarpon, snapper, etc.) and mangroves that these units could pose, may be of a disastrous magnitude along the lake. The potential run-off into the lake from fertilizer (which ties into the saltwater harbor, then flows into the Manatee River) would adversely disrupt and affect the quality of life of the marine mammal/ fish, and plant life along the shore and marina.

We were told by the sales representative(s), Peggy Wingard, a hired realtor acting by law, in good faith as an agent for Sky Sotheby's real estate (in collaboration/representation of Tim Morris and the the Corvus Group) that "there are going to be "bungalow style" condominiums not to exceed the height of the top of the wall on the amenities floor of the Bel Mare buildings". This was unsolicited information which at the time added credence to the sincerity of the scope and perceived high quality of this complex. If a forty foot roof is in the plans for the proposed project, this is in direct conflict as to what we were told and eventually sold, as well as it having drastic impact on the value of our property.

These are just a few of the initial, immediate concerns that come to mind. As this project is reviewed by the other owners at Bel Mare, we think there will be many other issues/concerns and questions coming to the table. Once again, the implications of this project are huge and potentially detrimental to every owner in this condominium.

Sincerely,


James V. Meade, Owner – Unit 2-402



Vincent Eurice, Owner – Unit 2-502

Main Property Search

Owner Address Account Advanced Map Search

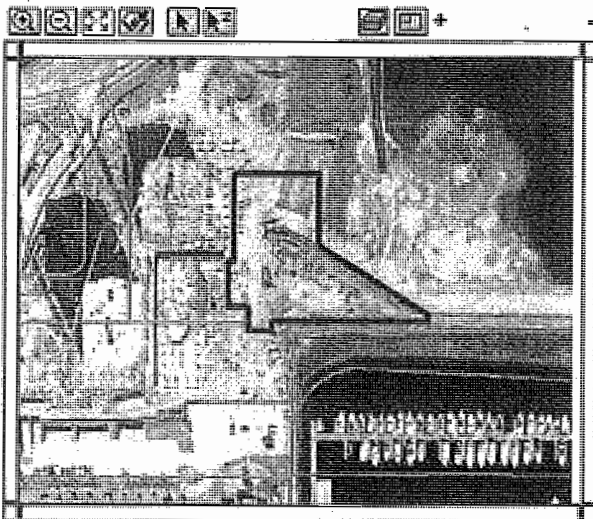
- Profile
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- Permits
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- Agriculture
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- Exemptions
- Full Legal
- Map

PARID: 2581600959
BEACH TOWNHOMES INVESTORS LLC

136 RIVIERA DUNES WAY

CURRENT RECORD

1 of 1



Manatee County
Last GIS Data Update: 29-Sep-2008

REPORTS
CSV Report
Parcel Information Report

GO

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